# Standardised access to data between cooperation and competition

UER – 30 September 2020

**Antonio Manganelli**

# Market evolution and regulation

- Market evolution (technological, economic and legal) ➔ new entrants

- Competitive advantage and regulation

- Symmetric and asymmetric regulation

- Level Playing Field

# Evolution of Payment Services regulation

- Substantial entry barrier (access to data and information)

- PSD ➤ PSD2: Access to Account (XS2A) rule

  o Liberalisation on the demand side (switch costs/consumer contractual power)

  o Enhancing competition dynamics

  o Dynamic efficiency ➤ open banking

# Regulation

- GDPR (2018)

- Regulation on free flow of non-personal data (2020)

- EC Action Plan on Fintech (2020)

- EC communication - EU parliament report (2018)

- EBA guidelines - Regulatory Technical Standards (RTS)

- Data strategy – Digital Service Act – Digital Single Market

# Open banking and interoperability

- Development of open standard for data exchange and interoperability

- Standardised interface ➡Application Programming Interfaces (APIs), surfaced as technical tools capable of ensuring a seamless flow of data between private andpublic undertakingsEnhancing competition dynamics

- **Definition of API:  Who?  How ?**

# APIs

1. Proprietary / Open

2. Setting procedures for the standards

3. Remuneration

➔ case-law and practice on SEPs

# Open standard vs Silos

1. Internalisation of external effects
2. Competition dynamics
3. Antitrust paradox (Google vs Apple)

# Setting procedure

1. How open /large ? Standard Setting Organisation

2. SSOs as innovation platforms: ( i ) technology contributors, and (ii) the standard implementers

3. Antitrust aspects of standardisation process and organisation (collusion/block exemption – dominance/quality discrimination)

# Remuneration

1. Remuneration of data (interchange fees /termination rates)

2. FRANDS

3. Patents??  SEPs EC expert working group

4. Antitrust case-law (Huawei, Qualcomm)

# Thanks!

[antonio.manganelli@unier.it](mailto:antonio.manganelli@unier.it)